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C O N F I D E N T I A L SECTION 01 OF 02 TBILISI 000076

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DEPARTMENT FOR EUR/CARC

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SUBJECT: TBILISI ELECTIONS UPDATE 01/17/2008

Classified By: Ambassador John F. Tefft for reasons 1.4 (b) and (d).

¶1. (C) Summary: An OSCE Technical Working Group on Elections (TWG) met on January 17 and considered post-election processes by the Central Election Commission and courts. The CEC's and courts quick denial of observers' complaints regarding election-day violations and post-election counting processes ranked among the most serious problems. The Prosecutor General's office is prosecuting two individuals for ballot stuffing in Gori and Telavi. (Details will follow septel.) Speculation abounds about pending changes in the government after Saakashvili's inauguration on January 20. Many key ministries are expected to change. Tbilisi City Court has rejected four separate appeals against the final election results filed by three opposition parties and the Professional Teachers' Union. On January 17, the United National Council of Opposition (UNC) publicly said "it would not recognize Mikheil Saakashvili as a legitimate president and would not cooperate with him." The UNC has called for a large-scale protest on January 20 at the same time as the inauguration. End Summary.

¶2. (C) One of the most serious shortfalls of Georgia's election process has been in its handling of observers' complaints regarding election-day violations and post-election counting processes. Neither Georgia's Central Election Commission (CEC) nor courts have adequately acknowledged the problems that legitimate observers have pointed out. Local NGOs ISFED and GYLA told the OSCE TWG members that of several hundred formal complaints, most were dismissed on technicalities. CEC Chairman Levan Tarkhnishvili acknowledged there were problems and stated that the CEC did in fact review complaints and handled them appropriately. (Comment: Whether caused by intentional ambivalence or a lack of administrative capacity, this shortcoming is a serious flaw in Georgia's electoral system and must be corrected before coming parliamentary elections. End comment.)

¶3. (U) The Prosecutor General's office is prosecuting two individuals for ballot stuffing in Gori and Telavi. These are the first prosecutions for election code violations in Georgia's history. (Details will follow septel.)

¶4. (U) Speculation abounds about pending changes in the government after Saakashvili's inauguration on January 20. Media reports suggest that Culture Minister Gabashvili, Economic Development Minister Giorgi Arveladze, Environment Minister Davit Chantladze, as well as most regional governors will be dismissed. State Minister for Conflict Settlement Davit Bakradze is rumored to replace Gela Bezhuashvili as Foreign Minister, and Bezhuashvili would then return to the National Security Council as Secretary. Current NSC Secretary Lomaia would reportedly become Ambassador to the

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USA. Some state minister positions will be abolished, six

Deputy Prime Minister positions will be created, and the Interior Ministry will be split into separate security and law enforcement bodies. Changes are also rumored to come to the Ministry of Health and Social Welfare, as well as merging the Energy Ministry with the Ministry of Economic Development.

15. (U) Three opposition parties and the Professional Teachers' Union filed appeals to the Tbilisi City Court to invalidate the final election results. The court considered all four appeals together, and struck them down without merit. The decision was appealed to the Supreme Court, which is due to rule by January 18.

16. (U) On January 17 the UNC released a public statement with demands to Parliament. Salome Zourabichvili read out the group's demands. The statement said the group "refuses to negotiate with Saakashvili but is ready to negotiate with the legislative body and Speaker (and Acting President) Nino Burjanadze. The group calls for Parliament to immediately stop "all forms of political persecution" against Saakashvili's political opponents. They also demanded an end to all forms of "illegal phone tapping and intimidation." They called for parity in the election administration at all levels from the CEC on down to the precincts. They also called for parity on the board of trustees for the Georgian Public Broadcaster. The group said these demands must be met in order to "resume public trust in the elections and restore civil unity after the parliamentary elections." Finally, the group said these demands must be met with "relevant changes to promote an independent judiciary, increase Parliament's role, and promote freedom of business."

17. (U) The UNC had called for a large street protest on January 20 at the same time as the inauguration. Tbilisi City Hall rejected the opposition's request to hold the protest in either Republican Square or Rike Park, as both

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spaces will be used for staging during the presidential inauguration ceremonies. The protest will take place at the Tbilisi Hippodrome, which is farther away from the inauguration at Parliament on Rustaveli Avenue.  
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